

**MINUTES:
COLUMBUS PLAN COMMISSION
WEDNESDAY MARCH 5, 2003 AT 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: John DeLap, John Hatter, Shirley Todd, Jack Heaton, Dave Bonnell , Steve Ruble, Craig Hawes Mike Gillespie, Mike Thomasson and Gary Nienaber.

Members Absent: Patricia Zeigler.

Staff Present: Roger Hunt, Planning Director, Laura Thayer, Sondra Bohn, Thom Weintraut; Heather Pope, Tom Finke County Plan Commission liaison and Alan Whitted, Deputy City Attorney.

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Motion: Mr. Gillespie made a motion to approve the February 5, 2003 minutes. Mr. Heaton seconded the motion and it carried unanimously.

NEW BUSINESS REQUIRING COMMISSION ACTION

PUDF-03-03: Little Creek Revised Final Detailed PUD Plat – A petition by Robert Monroe Construction Inc. for Plan Commission approval of a Detailed (Final) PUD Plan for Phase 1 of the Little Creek PUD development, consisting of 2.3 acres located immediately west of Westhill Shopping Center between SR 46 and Carlos Folgers Road, for the purpose of permitting redevelopment of two existing one-story buildings totaling approximately 16,635 square feet and a parking area of 42 spaces, along with landscaping, signage, and other appropriate infrastructure.

Mr. Hunt presented this case as follows;

At its November 2002 meeting, Plan Commission voted 8-1 to recommend approval for the revised, preliminary PUD for this property, which was approved by City Council. The petitioner is now requesting approval for the Final Detailed PUD Plan for Phase I. Phase I has several existing features including two buildings, parking areas, drives, and landscaping (see site plan). Subsequent phases have not been defined. The area that is involved in a court proceeding (Area A on site plan) has been excluded from the PUD.

Permitted uses in B-2 include (in addition to RB and B-1 uses): General business office; retail service uses, including department stores, furniture, carpet, interior decorating, upholstering, furrier and office supply store; restaurants and catering establishment; hotels, taverns and nightclubs; indoor commercial recreational uses, including auditorium, theater, bowling alley, billiard rooms, dance studios and amusement facilities.

No new buildings are proposed for Phase I. The current buildings have been in place for some time and have become somewhat shabby; however, the new PUD approval should allow fix-up and improvements.

The site already contains most if not all of the parking-lot space indicated on the plan. A total of 45 spaces would be provided according to plan. The standard general business parking requirements specify 1 space per every 200 square feet of business area, not counting storage space, hallways, restrooms, and the like. Using gross square footages supplied on the plan, 83 spaces would be required; however, this number is always reduced when the non-public areas are subtracted. Additionally, some businesses have different parking standards, such as restaurants, where the ratio is one space per 4 seats, or churches, which are one space per 3.5 seats. Both churches and restaurants have been verbally mentioned as possibilities here. Therefore, actual parking needs is difficult to assess.

Since the buildings are already in place, it is difficult to rearrange parking on site. Staff suggests that the 45 proposed spaces be approved for now. The large gravel area on the larger building's west side is suitable for future parking, if it is needed. The staff can monitor the site over the next year of operation. If additional parking is needed, the gravel area could be paved. The staff will provide a report to the Commission and the owner at the one-year mark so that any needed changes can be initiated.

As with parking, the driveways and travel aisles are mostly unchanged from the current status quo. Changes include the designation of the Carlos Folger Road driveway as exit-only and another one-way designation in front of the old bank building above SR 46. These are appropriate, given the narrowness of the pavement in those areas.

The driveway west of the former school building is shown as "Existing Gravel Drive". The engineering and planning departments have traditionally been reluctant to approve gravel driveways for commercial developments. It would be appropriate to pave this drive in keeping with the rest of the parking and driveway areas onsite.

The Landscape Review Committee has in recent years been asked to review PUD landscaping plans for final approval. Staff believes this has served us well and recommends the same process in this case.

The plan notes that signs are to be governed by the requirements of the B-2 Zoning District. This is reasonable and appropriate. Staff would review and approve sign applications for occupants in the usual manner if this condition is accepted.

As was addressed in the rezoning discussion, the staff believes this is an opportunity to spruce up a problem-category situation. Approval of the Phase 1 Final Detailed PUD Plan would allow this process to move forward, and we recommend approval with conditions.

Mr. Alan Whitted, assistant city attorney, stated that he had received a letter from the attorneys representing Mr. Siebert and Mr. Stidd by fax transmission. This was passed out to the plan commission members. Mr. Whitted stated that in regards to the comments made by the attorney he disagreed with the ascertain that Mr. Monroe does not have the ability to petition this commission for a PUD consideration. He said under the current rules that fifty percent of the owners of a Horizontal Property Regime have the ability to request for rezoning through the PUD process. He said that according to information he has received Mr. Monroe does in fact own fifty per cent of the property. In regards to the assertion that Mr. Monroe is violating the association agreement between the parties is not something that we would not be involved with. Mr. Whitted said this is not something that would be appropriate for this commission to review and if that is being violated there are remedies in law and equity that the other property owners can deal with that situation. He said there is currently a lawsuit between the parties, and the City of Columbus is also a part of this suit. That has currently been in court between the parties since and has been at the Court of Appeals for some time. This action is not

an attempt to settle this lawsuit. There is no settlement of that lawsuit. Mr. Whitted stated that this is simply an attempt to deal with the property that is clearly not part of the litigation. He said the comment in the letter about access would be an appropriate consideration for this body and Mr. Hunt is prepared to deal with that issue.

Mr. Hunt said the gravel drive on the plan goes up to the boundary of Area A, which is shaded and not a part of the PUD. There is a boundary between Area A and Phase One. If that is used there is no other way to do it on the western side of the property. There is a dumpster, and an electrical transformer in this area, but this would be an alternate plan for a drive. Code Enforcement and Fire Department also have issues related to this also.

Mr. Dave Allman, an Inspector with the Columbus Fire Department stated that access may be a problem coming through this area with the equipment, possibly the width. When you get to this area there is a major problem. He said if we could get equipment into this area they would be too close to the building to fight a fire. He said the equipment would be in jeopardy and also the firefighters. The turning radius to get there does not allow enough room to get through in case of a fire. He said there was one end that you definitely could not get through. He said the code requires that, if a dead end street exists, that after 150 feet there has to be a turn around. Either way the issues must be addressed how to get these vehicles into this site and meet the fire code to allow proper approach for this property.

Mr. Heaton asked if the problem exist now.

Mr. Allman said no new problems were being created, they all exist now.

Mr. Dave Zellner with Code Enforcement stated that one of the reasons they were concerned about access is that his department has heard from different sources that there are two different uses for this building that are currently being proposed. One is a bar and grill, the other is a church. Mr. Zellner said there are some regulations that prohibit these two uses being in the same building. He said there are some existing issues in this building with the structure itself and some of the work that has been done he would ask that the church not be an option. He also stated the size of the restaurant should be restricted as there will be some parking issues. He stated they have more building concerns than zoning. He also stated there was an issue with location of a fire hydrant.

Mr. Allman stated a fire hydrant should be located nearer the building instead of the one on the hill.

Mr. Hunt said staff recommendation is that the PUD be approved with conditions, along with staff comments. He said with the rezoning in December this is an opportunity to see some new life and growth in this development. He said he felt this would be a positive direction for this property. Mr. Hunt stated there would be fresh development available for this area.

Mr. Bonnell asked if the fire issues, access and fire hydrant issues would be addressed if approved.

Mr. Hunt said there was a turn around requirement in the rear; the hydrant issue has been resolved and Mr. Hunt stated that churches were specified in the original PUD but the commission has regulated uses or at least the size according to available parking. There is some room for some additional parking. If the commission would like to tie these to the standard ordinance then monitor for the first year and have a review as to the performance at this site that could be agreed upon.

Mr. Bonnell asked if access would be restricted to Area A.

Mr. Hunt stated that nothing on the plan would interfere with that.

Bob Monroe represented the petitioner.

Mr. Monroe stated he was the property owner for this PUD. He said he had not reviewed the attorney's comments. He said he could not respond to those.

Mr. Heaton asked there was already an existing business located at this site and was remodeling planned for that building.

Mr. Monroe stated there was already one existing business located at this site and remodeling would be just for the vacant space.

Mr. DeLap opened the meeting to the public.

Mr. James Siebert stated he was one of the minority property owners of this property. He stated he had not seen the letter from legal council and could not comment on it. He stated Mr. Monroe had the right to future develop of this property. He said he did not think he had the right to change it to another PUD, which allows uses other than what was specifically asked for. Mr. Siebert stated they had paid property taxes based on a percentage of the common property. He said they were paying taxes on Phase One also. Mr. Siebert showed the commission an original drawing the first PUD Development and the buildings that were there. He said the original does allow for a restaurant He said they (himself and Mr. Stidd) were never approached about changing the use. He stated there was a Phase One that had been in effect for years. He stated they would like to be separated from Mr. Monroe. He expressed concern about the plan commission approving this request. He said that the parking lot was ordered to be installed by the court's request in 1996. He said there was an association that has codes and by-laws. He asked if the new PUD has those attached. He said there were many questions that were left unanswered and details to be worked out. He asked that it be continued or denied.

Mr. Ray Stidd said he was the other minority property owner of this property. He stated the property was owned by three people, himself, Mr. Seibert and Mr. Monroe. He never has been to any meeting to discuss decisions regarding the property. He said there is a long history behind this property. Mr. Stidd stated that if the city proceeds with the amendment of the PUD that has been requested by Mr. Monroe without future consultation with an agreement with Mr. Siebert and himself they would have the court to file an injunction to order the stay of the amendment. He said they would exhaust all legal measures to prevent this.

Mr. DeLap closed the public hearing.

Mr. Hawes asked if a new PUD was being created.

Mr. Hunt said the new PUD was created in December 2002 when council approved the rezoning. This request approves a specific plan for Phase One.

Mr. Heaton asked if Mr. Monroe owned this property.

Mr. Whitted stated with regards to the property records that Mr. Monroe has at least a fifty per cent ownership. Mr. Whitted said that it does meet the commission's standards to present a PUD to this body for consideration. He said their business arrangements are between the property owners and are not relevant.

Mr. Hunt stated that the ownership records in the Auditor's Office match the signature on the application process.

Mr. Thomasson made a statement that he would abstain from this request as he arrived late.

Much discussion held regarding fire protection.

Ms. Todd asked how anything could be done to a property if they only owned fifty per cent.

Mr. Hunt said that Mr. Monroe owned more than fifty per cent. He stated that the signature that was filed represented the majority ownership.

Motion: Ms. Todd made a motion to deny this request because we don't really know. She said she had heard this presentation off and on for two years since she had been on the board and still does not understand any of it. It is just too much of a mess, she said. She would vote to deny it. Mr. Bonnell seconded the motion and it carried with a vote of 6 yeh, 3 nay and one abstention. Mr. Thomasson was the abstaining vote, and the 3 nay votes were Mr. Ruble, Mr. Nienaber and Mr. DeLap. The request was denied.

RZ-03-03: Able Energy-Jacobs Rezoning A petition by Able Energy Co., and E. Robert Jacobs to rezone approximately 53 acres, located on the north side of Rocky Ford Road between Talley Road and Greenbriar Drive, from AG (Agricultural) to R-2 (single-family residential).

ANX-03-03: Able Energy- Jacobs Annexation- A petition by Able Energy Co., and E. Robert Jacobs to annex to the City of Columbus, Indiana an area east of and contiguous to the current city boundary, located on the north side of Rocky Ford Road between Talley Road and Greenbriar Drive and totaling approximately 53 acres.

Mr. Bonnell recused himself from these two requests.

Mr. Hunt presented the two requests as follows:

The Able Energy/Jacobs property is virtually the only area along the entire length of Rocky Ford Road that has not been annexed, and it is one of the few that is still zoned and used for agriculture instead of residential development. The entire property is about 70 acres and covers all but a fraction of the Rocky Ford Road frontage between Greenbriar Drive (High Vista neighborhood) and Talley Road. The applicants are asking for rezoning and annexation of most, but not all, of this acreage; the portion east of Sloan Branch would not be developed at this time.

(The Calvary Church of the Nazarene, which shows up as Exception II on the site map, is also unannexed; the church has indicated a preliminary interest in pursuing annexation if the Able proposal is approved.)

The purpose of the rezoning+annexation request is to allow development of a single-family residential subdivision of about 120 houses. If rezoning and annexation are approved, the staff expects this major subdivision request to come in soon afterwards.

The design is not yet settled, but preliminarily there would be several internal streets as well as street connections to Rocky Ford Road, Imperial Drive (the stub street in High Vista that currently stops at the Able property line), and a new stub street ending at the north property boundary. As is typical with large projects, the planning and engineering staff would like to see a traffic engineering study to assess potential impacts on the city's street network. This is particularly true for Rocky Ford Road, which in this stretch is narrow and has not changed a great deal from the time it was a rural road. The study would have to wait until more detail about the development is available, so we recommend it be tied to the subdivision approval process.

The property is low-lying and tends to get wet. The property is divided roughly in half by a west-to-east drain that seasonally channels water into Sloan Branch. A drainage study is clearly appropriate here, especially in light of recent housing developments farther south in the Sloan Branch watershed (Prairie Stream and Presidential Parks). Since Sloan Branch is a regulated drain, the County Drainage Board should review the drainage study as well.

The R-2 District requires in essence hookup to Columbus City Utilities water and sewer. Annexation also requires this. In the recent past, questions have arisen concerning the pump station near High Vista that would handle this property; however, City Utilities has already planned for upgrading sewer service in the already-developed areas. It would be up to the developer to pay for an appropriate share of additional sewer upgrade costs necessitated by development. As with streets and drainage, this will come into play at the major subdivision review stage.

All city departments were asked to determine how the annexation would impact them in regards to service and cost. Comments were received from the following departments: Parks and Recreation, Community Development, Human Rights, Risk Management, and Public Safety/City Garage. No response was received from other departments; it is assumed that this translates to a net impact of zero for those units. Copies of responses received are included.

For Human Rights, Risk Management, and Community Development, replies indicated either no net impact or negligible net impact. The Parks and Rec Department provided various ways by which revenue and cost could be calculated, based on counting either people or acreage in the annexed area. The planning staff believes the people-method is more appropriate in this case. This count results in a net cost of approximately \$28,600, comparing expenses to tax-generated revenue. The actual net cost would be considerably lower and in fact could be a net surplus, since user fees and other non-tax-generated revenue are not factored in. There is no way to estimate user fees without knowing demographics of the proposed development, and this has yet to be determined. Therefore, the Parks & Rec estimate should be considered subject to a large uncertainty factor.

The City Garage impact is difficult to assess because the estimate includes this statement: A costs Result of Culmination of Past 5 Years Annexations, and because no estimate of revenues is included.

The staff conclusion is that this annexation has too many unknowns for the fiscal impact to be accurately or even approximately assessed. The staff would suggest that the fiscal-impact requirement is not meaningful when applied to empty property with a potentially huge variation in possible uses. This property could become a residential subdivision before 2004, or it could remain farmland for 10 to 20 years, due to factors beyond the city's control or knowledge.

State law requires that this report be prepared, but there is no requirement that it reach a definitive conclusion; therefore, these results should be considered inconclusive.

Capital services will be provided within three years of the effective date of annexation and noncapital services will be provided within one year of the effective date of annexation. There is nothing in the present proposal that would prevent this mandate from being fulfilled.

Since the fiscal impact is inconclusive, the staff believes the city annexation policies quoted above are the sole yardstick to apply here. By that yardstick, this annexation request is proper and beneficial, and should be approved.

Mr. E.R. Gray of E.R. Gray and Associates and Albert Skaggs developer of the site represented the petitioners.

Mr. Skaggs, president and owner of Skaggs Builders Inc. said they had been doing development in

Columbus for seven years. The primary portion of the development that has been done is on the east side and is known as Presidential Park. He stated that they would like to do a continuance of the same concept plan at this site. He said this kind of development met a specific market in this community.

Mr. Gray stated it was a team effort in designing the site.

Mr. Thomasson asked about the drainage situation and what types of soil exists. Also he asked what problems do they anticipate preliminarily.

Mr. Gray said that the hydrologist that they had hired was Marty Mann. He said this would be analyzed if it could run into Sloan Branch. He said the wave of the water did not affect the area south of Rocky Ford Road. He said they might need retention and detention at the site and that will not be determined until a full analysis is done. He stated that they were also working with the soil analysis in looking at any type of under drains that would go into the storm sewer systems. Mr. Gray stated this is a delicate site and the drainage will be addressed properly.

Mr. Skaggs said there would be no basements.

Mr. DeLap opened the meeting to the public

Mike (inaudible) expressed concern about the drainage and the impact the additional children would have on the enrollment at Richards's school. He also expressed concern about all the vacant lots existing in the City.

Victor Burgos would like the flooding issue addressed, especially when construction begins. He said he was in favor of the development but would like a buffer zone adjoining his residence.

Ms. Ellen Fitzsimmons who owns property due east of this property. She expressed concern about flooding and all the empty lots available in Columbus.

Ms. Grace Marshall expressed concern about flooding in the streets.

Mr. DeLap stated that this plan would not be approved until a hydrologist and a registered engineer submitted a drainage plan. This would have to be approved by the plan commission and the public would have an opportunity to review this. Also the public would be allowed to make comments. Mr. Hunt said that the county drainage board would have a public hearing and review approval of this site and anything that passed. Mr. Hunt stated that Sloan Branch was a county regulated drain.

Mr. DeLap said that this approval does not give Mr. Skaggs permission to build at this time. He will have a mechanism in place to move forward with the process by submitting drainage, traffic flow and traffic impact on the development to be approved prior to development of the property.

Mr. DeLap closed the meeting to the public.

Mr. DeLap asked if there had been consideration given to the buffers being installed.

Mr. Skaggs said the design is still in the beginning stages. He said they will be working with the neighbors to accommodate them with the proper screening and to work with them in a reasonable manner. Mr. Skaggs said many extras in landscaping and buffering had been done in Presidential Park without anyone asking. He said that would continue in this development.

Mr. Thomasson ask if Mr. Skaggs would put in a provision stating that proper buffering would be in place and no basement in this development would occur.

Much discussion was held regarding the drainage and soil in the area.

Mr. DeLap read two letters into the record regarding this request. Mr. Dennis Palmer expressed concern regarding drainage. Mr. John Lutten expressed concern about flooding.

Motion: Mr. Thomasson made a motion to approve this request which is RZ-03-2 subject to the recommendation and conditions set down by staff, with also the addition that there will be no basements allowed and an appropriate buffer be constructed on the west side of the property subject to the approval of the appropriate committee. Mr. Ruble seconded the motion and it carried with a vote of 8-1, Ms. Todd being the nay vote.

Motion: Mr. Heaton made a motion to approve request ANX-03-02. Mr. Thomasson seconded the motion and it carried with a vote of 8-1, Ms. Todd being the nay vote.

MP-03-03, Shatto Minor Subdivision, By James L. Puckett, is a proposal to create 1 lot totaling 40.0 acres. The property is located on the west side of CR 175 West, approximately 1/4 mile north of CR 450 South in Wayne Township.

C/RZ-03-01: James L. Puckett: A request by James L. Puckett to rezone approximately 38.875 acres, located on the west side of CR 175 West approximately 1/4 mile north of the CR South intersection (6630 South 175 West), in the territorial jurisdiction of the City of Columbus, from AG (Agriculture) to I-3 (Heavy Industrial).

ANX-03-01 James L. Puckett: A petition to annex to the City of Columbus approximately 38.875 acres, located on the west side of CR 175 West in the territorial jurisdiction of the City of Columbus. The property is located in Wayne Township contiguous to current city boundaries on the west and south, comprising approximately 37.5 percent of the total property perimeter.

Ms. Thayer presented the background information on these three requests as follows:

Staff recommendation is to approve the rezoning with the following conditions:

1. Because of its proximity to residences and its location outside of an established industrial park, a site plan for any development on this property must be approved by the plan commission prior to issuance of a zoning compliance certificate. The site plan shall include proposed use; building footprint and elevation; parking, loading, circulation, drainage, landscaping, and sign information. The plan commission shall hold a public hearing on any site plan reviewed under this condition. Interested parties, as defined in the plan commission's Rules of Procedure, shall be notified of the time, date, and place of the hearing.
2. The owners shall be required, at their expense, to install a 12" water main along 175 West. The new water main shall extend from the main on the north side of 450 South to the north property line of the property (approximately one-half mile of water main). The water main shall comply with the specifications of the Columbus City Utilities Department. This commitment shall be met prior to issuance of a zoning compliance certificate for any development on the subject property.
3. The owners shall be required to install water hydrants as required by the Columbus Fire Department and the Columbus City Utilities Department. This commitment shall be met prior to issuance of a zoning compliance certificate for any development on the subject property.
4. The owner shall provide 6 foot, crushed stone shoulders on both sides of the road from the north boundary of the property southward to the intersection of 450 South, in accordance with

specifications of the Columbus Thoroughfare Plan for collector streets in rural areas, as provided by the City Engineer.

5. The intersection of 450 South and 175 West must be improved according to specifications approved by the City Engineer. This commitment shall be met prior to issuance of a zoning compliance certificate for any development on the subject property. This commitment shall be met prior to issuance of a zoning compliance certificate for any development on the subject property.
6. The rezoning shall not become effective until the associated minor plat is recorded (Shatto Minor Subdivision).

Staff recommendation is to approve the annexation request as presented.

The tract involved in these two petitions is part of an island of AG-zoned property outside the city limits, surrounded by commercial and industrial properties within the city limits. The approximately 40-acre Puckett property contains a single family residence and outbuildings. The petitioner wishes to rezone the property for industrial use, but no specific development is proposed. These petitions were previously considered by the Plan Commission in June 2002. The Commission voted 8-0 to recommend favorably on the rezoning and the annexation requests following public hearings. Both requests were denied by City Council on first reading on June 18, 2002.

Staff had recommended approval for both petitions. The property is part of the Woodside/Walesboro area, which has been designated by the comprehensive plan for industrial use.

As part of the original annexation request, all city departments were asked to comment on the impact of the annexation. A Fiscal Impact Plan was prepared by planning staff as required by state law for annexation requests. All city departments were contacted again for the current petitions, and the Fiscal Impact Plan has been updated.

Council minutes suggest that denial of the rezoning was based on traffic concerns. The current requests differ from the earlier requests in that the applicant is proposing to dedicate 25 feet of right-of-way along the east side of the property. The width of the property is 1322.58 feet, making the right-of-way dedication a total of 0.759 acres.

In addition to the rezoning and annexation requests, plan commission is considering MP-03-03, Shatto Minor Subdivision, at today's meeting. This is the subdivision that is necessary to plat the proposed lot, as well as the right-of-way to be dedicated.

The thoroughfare plan classifies 175 West as a collector. The roadway is currently 24 feet wide, as required for collector streets in rural areas. The petitioner is proposing to dedicate 25 feet of right of way on the west side of the road. The thoroughfare plan calls for 70 feet of right-of-way for such streets; therefore, it will be necessary for the petitioner to dedicate 35 feet of right-of-way to meet requirements for the associated subdivision. The City Engineer recommends that the petitioner be required to provide 6 foot, crushed stone shoulders the length of the property and southward along 175 West, along both sides of the road, to the intersection of 450 South (see condition 5).

An industrial development here has the potential to increase traffic along 175 West, as well as further off-site. Presumably, most of the added traffic would come from 450 South, which is adequate to handle the increased amount of vehicular traffic that might be generated, with the exception of the intersection of 450 South and 175 West. The City Engineer recommends that this intersection be improved in connection with the rezoning (see condition 6).

No particular problems with access are anticipated on site. This, as well as other site issues, will be reviewed by planning and engineering staff as part of the site plan review process when a specific development is proposed.

The Plan Commission may exclude any of these uses if it so desires, as recommended by staff in consideration of the remaining residences to the south. Staff recommends that any such exclusion be temporary, since residential use in this area will probably be replaced by industrial or similar uses eventually.

If this site is rezoned to I-3 as proposed, it will be necessary for it to be served by public water and sewer. Zoning regulations for the I-3 district require city water and sewer. The city's policy is to prohibit hookups for industrial developments unless they are inside the city limits.

All city departments were asked to determine how the annexation would impact them in regards to service and cost. Comments were received from the following departments: Police, Fire, Engineering, Utility, Technical Code Enforcement, City Services, Parks and Recreation, Human Services, Housing Authority, Columbus Area Arts Council, and Risk Management. It was assumed that departments that did not comment, such as Personnel, would not be impacted.

In most cases, city departments responded that they anticipated being able to provide services to the area proposed for annexation without increasing staff or budget. The annexation would require little extension of city services, since much of the surrounding area is already in the city limits and is being serviced by the city. City police, fire, and transit services are already available at or very near this property. Planning and Technical Code Enforcement services will not change since this property is already within the city's extraterritorial planning jurisdiction. Several other departments are not impacted because they do not generally provide services to industrial properties. These include Sanitation and Animal Control.

Improvements that will be necessary when the property is developed include extension of water service from 450 South, installation of hydrants, and road improvements. These costs will be borne by the developer. Because of expected additional revenue from an industrial use, the net fiscal impact on the city should be positive. At worst, the effect should be negligible.

It is anticipated that city services will be provided within existing city budgets, and that there will be little or no additional cost to the city as a result of the annexation. Costs for maintaining water and sewer lines will be paid by the developer and through user fees and assessments.

Capital services will be provided within three years of the effective date of annexation and noncapital services will be provided within one year of the effective date of annexation. This schedule for services complies with state law.

Mr. Hawes expressed concern about the fire department access and public safety in this request.

Perry Cloyd of Midwest Mapping and Surveying and Jim Puckett represented the petitioners.

Mr. Cloyd stated their original intent was to bring this property into compliance with the Comprehensive Plan. He said the purpose of this plat is to dedicate right of way.

Mr. DeLap opened the meeting to the public.

There was no one there to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Bonnell made a motion to approve C/RZ-03-01 with staff comments. Mr. Gillespie seconded the motion and it carried with a vote of 10-0.

Motion: Mr. Heaton made a motion to approve MP-03-03 with staff comments. Ms. Todd seconded the motion and it carried with a vote of 10-0.

Motion: Mr. Thomasson made a motion to approve ANX-03-01 with staff comments. Mr. Gillespie seconded the motion and it carried with a vote of 10-0.

PUD-3-03: Wal-Mart PUD Rezoning- A petition by Wal Mart Real Estate Business Trust (by Thomas Michael Quinn), to rezone a property of approximately 21.56 acres located south of 10th Street and east of Whitfield Drive (Address: 735 Whitfield Dr.) from B-5 (General Business) too PUD (Planned United Development), to allow eventual approval of a Detailed PUD Plan which would allow inter alia creation of a seasonal Garden Center display area in the parking lot occupying approximately 128 parking spaces, along with existing site features associated with department-store retail commercial development.

Mr. Hunt presented the background information as follows:

The new Wal-Mart Super Center is requesting this rezoning from B-5 to PUD for a very specific purpose: they would like to secure approval to use a portion of their parking lot to display and sell Garden Center merchandise during the growing season each year. This concept is similar to what Wal-Mart did each year at their former location on the opposite corner of 10th and National. Under the current B-5 zoning, this would require Wal-Mart to return each year for a Board of Zoning Appeals conditional use permit. The uncertainty associated with this process is not desirable for Wal-Mart, and probably is not an efficient use of the BZA's time either.

Therefore, staff encouraged Wal-Mart to apply for the PUD rezoning. The benefit to both Wal-Mart and the city is that PUD zoning can confirm both parties' ability to plan for the Garden Center extension over multiple years.

The site plan shows the location and size of the proposed parking-lot sales and display area. Staff have conducted site visits, and the proposal preliminarily appears to be adequate for onsite circulation. The location is near the permanent Garden Center, so transporting merchandise should not be a problem. Wal-Mart's two main entrances are farther east, so this part of the lot is less heavily used. Wal-Mart correctly notes in their application materials that they still exceed the required parking ratio of 1:200 after the proposed parking spaces are subtracted.

At the time of construction, this part of the parking lot was equipped with water outlets to accommodate future Garden Center use. At the old store, garden hoses had to be stretched across travel aisles to water the plants, which was unattractive and posed possible safety hazards; this will no longer be necessary.

On two occasions the Plan Commission has approved after revisions Sign Development Plans for Wal-Mart (the second time being Murphy Oil's request.) Nothing in the current petition would change signage, except for some new small portable display signs in the sales area for prices and the like. Murphy Oil's signs (and in fact Murphy Oil's B-5 zoning) would not change at all.

The staff would point out to the Commission that the site-design professionals hired by Wal-Mart assured us last year that the parking-lot sales area would no longer be needed at the new store, because the permanent Garden Center is considerably larger. Despite the assurance, it appears that the outdoor display area was planned all along, since the water taps were installed for this purpose

during initial construction. There is nothing inherently wrong with an outdoor plant-sales area, but that is not what was promised. Perhaps this is just an example of how different aspects of a large development project can get out of sync with each other. The staff has strongly advised Wal-Mart representatives that the city of Columbus expects better internal corporate communications in the future, and we repeat that advice here.

The above paragraph notwithstanding, the staff believes that with proper safeguards, the proposed PUD rezoning and the seasonal Garden Center are reasonable and supportable requests for the community, and we recommend approval of this rezoning with conditions as stated.

Mr. Robert Cutter, attorney at law and Elizabeth Williams a land use consultant with the firm of Clark, Quinn, Moses, Scott and Grahm represented the petitioners. Mr. Cutter introduced Ray Vaughn the new manager of Wal-Mart.

Mr. Cutter said Wal-Mart has taken steps that the past mistakes will not be repeated again at this store. He stated that they had reviewed staff comments and conditions of approval and they have no problems with any of them that are set forth in the plan. He also said that the manager has changed and the new management was aware of the problems that had occurred.

Mr. Whitted expressed concerns about enforcement of the zoning and ordinance requirements at the former Wal-Mart store. He stated it was a continuing problem for staff at Code Enforcement and the Fire Department.

Much discussion was held regarding this site and request for this rezoning.

Mr. Cutter said that Wal-Mart would comply with the one-year time frame regarding staff's comments and would continue to do so even after that time had passed.

Mr. Thomasson stated that the credibility of Wal Mart had been seriously damaged in front of the plan commission. He stated this should be denied due to the problems in the past.

Mr. DeLap opened the meeting to the public.

Several others in the audience expressed similar concerns.

Mr. Ray Vaughn the new store manager of Wal-Mart assured the commission that this store would be adhering to staff recommendations and the past would not be repeated.

Mr. DeLap closed the meeting to the public.

Ms. Williams spoke on behalf of Wal-Mart.

Ms. Todd expressed concern about the aesthetics of the site and how it had changed within a month.

Motion: Mr. Thomasson made a motion to deny this request. Ms. Todd seconded the motion and it carried with a vote of 10-0.

Columbus Thoroughfare Plan Update-A complete revision and replacement of the city's existing Thoroughfare Plan.

Mr. Dave Hayward gave an update to the board regarding the Thoroughfare Plan. He stated that the public meetings have been held. Comments taken were primarily on the maps and the list of projects

developed. Mr. Hayward said that revisions have been made. He also said a meeting was held with technical staff and those comments were noted. Mr. Hayward presented a summary of the revisions to the commission since the last time this had been reviewed. Mr. Hayward stated that the new handout is the current plan.

Mr. Hunt stated it was not the intent of the commission to take action tonight but to defer the commission's vote to the April 2003 meeting.

Mr. DeLap asked that Mr. Hayward attend the April meeting and plan commission members review this plan for the next meeting.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting.

Motion: Mr. Thomasson made a motion to continue this to the April 2003 meeting. Mr. Bonnell seconded the motion and it carried unanimously.

Ms. Thayer and Ms. Pope presented an update on the Menard's sign plan. They passed out a sheet showing several different communities sign regulations.

Ms. Pope stated that what Menard's had proposed was not that out of line with the other communities sign ordinances that were reviewed.

Discussion was held regarding the City's sign ordinance as compared to other communities that had been reviewed.

Mr. Hawes requested that staff provide a new sheet providing two new columns to show what Menard's proposal was and what staff proposed.

DISCUSSION ITEMS

DIRECTOR'S REPORT

ADJOURNMENT: 6:45 P.M.